

MINUTES OF MEETING – MARCH 25, 2003

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 25th day of March, 2003, the Commissioners' Court convened the regular Voting Session at 9:15 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners' Court record notes that Precinct Two Commissioner Karen Sonleitner was not present during this Voting Session.

The Commissioners' Court recessed the Voting Session at 12:01 PM.

The Commissioners' Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle) called to order the Voting Session at 1:38 PM and adjourned at 1:39 PM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation called to order the Voting Session at 1:39 PM and adjourned at 1:56 PM.

The Commissioners' Court reconvened the regular Voting Session at 1:56 PM.

The Commissioners' Court retired to Executive Session at 3:33 PM.

The Commissioners' Court reconvened the Voting Session at 5:18 PM.

The Commissioners' Court adjourned the Voting Session at 5:22 PM.

RESOLUTIONS & PROCLAMATIONS

1. APPROVE A RESOLUTION DECLARING APRIL AS KEEP AUSTIN BEAUTIFUL MONTH AND COMMITTING THE COUNTY TO SPONSOR AND PARTICIPATE IN CLEAN SWEEP AND OTHER CLEANUPS THROUGHOUT THE YEAR. (9:17 AM)

Members of the Court heard from: Charles Williams, Conservation Coordinator, Transportation and Natural Resources (TNR); and Irene Guzman Krill, Executive Director, Keep Austin Beautiful.

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the resolution in Item 1.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

2. APPROVE RESOLUTION RECOGNIZING JOHN MENDOZA ON HIS RETIREMENT FROM THE TRANSPORTATION & NATURAL RESOURCES DEPARTMENT AFTER TWENTY-THREE (23) YEARS OF SERVICE TO TRAVIS COUNTY. (9:23 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR; Don Wheeler, Division Director, Road and Bridge Maintenance, TNR; and John Mendoza, TNR.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the resolution in Item 2.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

3. APPROVE RESOLUTION RECOGNIZING DANIEL CLAWSON UPON HIS RETIREMENT FROM TRANSPORTATION AND NATURAL RESOURCES AFTER MORE THAN 25 YEARS OF SERVICE. (9:26 AM)

Members of the Court heard from: Daniel Clawson, Supervisor, TNR; Joe Gieselman, Executive Manager, TNR; Don Wheeler, Division Director, Road and Bridge Maintenance, TNR; and Mrs. Clawson, wife of Daniel Clawson.

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to approve the resolution in Item 3.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

CITIZENS COMMUNICATION

Members of the Court heard from: Maria Canchola, Travis County Constable, Precinct 4; Gail Penney Chapmond, Director, Juvenile Probation; Lila Oshatz, Community Supervision and Corrections Department (CSCD); and Kenneth Snyder, Northridge Acres Resident. (9:32 AM)

Clerk's Note: The Commissioners' Court received a status report on the Project Spotlight grant program.

Clerk's Note: The Commissioners' Court selected the candidates' names to determine the order the candidates will appear on the ballot for the Village of Volente May 3, 2003 Election for Alderman: Scott R. Atwood, Suellen Jordan, Ken Miller, Tony Vacca, Carl Campbell, Gary M. Frame, Bob Kramer, Richard "Dick" Fraser, Ron Montanic, Gary Gross, Judy Barrick, Mike Gold, and Ann Tim Kane; for Mayor: Jan Yenawine, and Kimberley K. Wimberley, and for Marshall: Rolando Perez.

5. APPROVE WAIVING UTILITY PERMIT FEES FOR TEXAS TURNPIKE AUTHORITY/LONE STAR INFRASTRUCTURE TO PERFORM SOIL BORINGS WITHIN COUNTY RIGHTS OF WAY. (COMMISSIONER SONLEITNER) (9:55 AM)

Clerk's Note: Item 5 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

6. APPROVE PLAT FOR RECORDING IN PRECINCT TWO: CORRECTION PLAT MEADOWS OF CAMBRIDGE HEIGHTS, PHASE ONE (REVISED PLAT – 187 LOTS – 46.518 ACRES – VICTORIA STATION BOULEVARD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY WINDEMERE UTILITY COMPANY – CITY OF PFLUGERVILLE ETJ). (COMMISSIONER SONLEITNER) (9:16 AM)

Item 6 postponed until April 1, 2003.

7. WAIVE RENTAL FEES FOR SATELLITE TWO TOWN HALL AND MAKE APPROPRIATE CHANGES TO LEASE AGREEMENT FOR THE PURPOSE OF A FREE MEDICAL CLINIC PROVIDED BY THE CATHOLIC CHURCH OF LAKEWAY. (COMMISSIONER DAUGHERTY) (9:57 AM)

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR.

Discussion Only. No action taken.

Item 7 to be reposted on April 8, 2003.

- 8. APPROVE PLAT FOR RECORDING IN PRECINCT THREE: VILLAS OF THE HILLS (LONG FORM PLAT – 13 LOTS – 23.99 ACRES – TRAILS END ROAD – FISCAL POSTED WITH TRAVIS COUNTY – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY – CITY OF CEDAR PARK ETJ). (COMMISSIONER DAUGHERTY) (3:04 PM)

Members of the Court heard from: Carol Joseph, Assistant Director, TNR.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve Item 8.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 9. REVIEW AND CONSIDER THE APPOINTMENT OF JOE GIESELMAN, VOTING MEMBER, AND ELAINE WRAY, ALTERNATE VOTING MEMBER, TO REPRESENT TRAVIS COUNTY ON THE CAMPO TECHNICAL ADVISORY COMMITTEE. (9:55 AM)

Clerk's Note: Item 9 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

PLANNING AND BUDGET DEPT. ITEMS

- 10. A. AUTHORIZE THE USE OF COUNTY FUNDS AS AN ADVANCE TO ALLOW FT 03 DOE/OIL OVERCHARGE WEATHERIZATION GRANT PROGRAM TO CONTINUE FOR THE MONTHS OF APRIL THROUGH JUNE. THIS PERMISSION TO CONTINUE IS REQUESTED DUE TO THE TIMING OF THE RECEIPT OF A FULLY EXECUTED AGREEMENT FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS. (9:55 AM)

- B. AUTHORIZE THE USE OF COUNTY FUNDS AS AN ADVANCE TO ALLOW THE LIHEAP WEATHERIZATION ASSISTANCE PROGRAM GRANT TO CONTINUE FOR THE MONTHS OF APRIL THROUGH JUNE. THIS PERMISSION TO CONTINUE IS REQUESTED DUE TO THE TIMING OF THE RECEIPT OF A FULLY EXECUTED AGREEMENT FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS.

Clerk's Note: Items 10.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 11. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (3:18 PM)

Members of the Court heard from: Leroy Nellis, Budget Manager, Planning and Budget Office (PBO).

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve the budget amendments and transfers.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

12. CONSIDER THE FOLLOWING REIMBURSEMENT RESOLUTIONS AND TAKE APPROPRIATE ACTION: (3:04 PM)

- A. PURCHASE AND RENOVATION OF OFFICE BUILDING;
- B. PURCHASE OF 911 RDMT RADIOS; AND
- C. PURCHASE OF MOBILE DATA SYSTEM.

Clerk's Note: Items 12.A, B, and C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Danny Hobby, Manager, Emergency and Wireless Communications, Justice and Public Safety (JPS); John Hille, Assistant County Attorney; Leroy Nellis, Budget Manager, PBO; Jessica Rio, Budget Analyst, PBO; Susan Spataro, Travis County Auditor; and David Lampl, RDMT Project Manager, Information and Telecommunications Systems (ITS).

Motion by Judge Biscoe **and seconded by** Commissioner Gómez to approve the three separate and distinct resolutions covering these three projects – Items 12.A, B, and C.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

ADMINISTRATIVE OPERATIONS ITEMS

13. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING E-GOVERNMENT INITIATIVES: (10:44 AM)

- A.** A SERVICE LEVEL AGREEMENT (NO. SL030126LB) WITH BEARINGPOINT;
- B.** AN E-PAY APPLICATION; AND
- C.** A CONVENIENCE FEE FOR TRAVIS COUNTY OF \$.50 ON EACH TRANSACTION IF APPROVED BY TEXAS ONLINE AUTHORITY. (ITS)

Clerk's Note: Items 13.A, B, and C are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Joe Harlow, Director, ITS; Gary McGlicko, Managing Director, Bearingpoint and Texas Online; Barbara Wilson, Assistant County Attorney; and Mary Ann White, Bearingpoint.

Motion by Judge Biscoe and seconded by Commissioner Daugherty to approve Items 13.A, B, and C, with the wording changes to the document.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

14. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR TRAVIS COUNTY EMPLOYEES AND DEPENDENTS COVERED BY THE HOSPITAL AND INSURANCE FUND FOR PAYMENT OF \$496,091.86 FOR THE PERIOD OF MARCH 7, 2003 THROUGH MARCH 13, 2003. (9:55 AM)

Clerk's Note: Item 14 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

15. CONSIDER HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT AND TAKE APPROPRIATE ACTION ON THE FOLLOWING: (10:05 AM)

- A. HIPAA POLICIES AND PROCEDURES;
- B. HIPAA PRIVACY NOTICE;
- C. VARIOUS HIPAA AUTHORIZATIONS; AND
- D. COMPLAINT FORMS.

Clerk's Note: Items 15.A-D are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations; Cindy Purinton, Benefits Contract Administrator, Human Resources Management Department (HRMD); Dan Mansour, Risk Manager, HRMD; Barbara Wilson, Assistant County Attorney; and Kevin Chapman, President, Boon Chapman Consultants.

Discussion Only. No action taken.

Items 15.A-D to be reposted on April 1, 2003.

16. APPROVE PERSONNEL AMENDMENTS. (9:55 AM)

Clerk's Note: Item 16 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

17. DISCUSS AND TAKE APPROPRIATE ACTION REGARDING CONSTRUCTION DOCUMENTS APPROVAL FOR THE NORTH RURAL COMMUNITY CENTER/CLINIC AT PFLUGERVILLE AND RELEASE FOR BID. (3:18 PM)

Members of the Court heard from: Alicia Perez, Executive Manager, Administrative Operations.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to approve Item 17.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 18. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING SCHEMATIC DESIGN APPROVAL FOR THE PRECINCT ONE JUSTICE OF THE PEACE AND CONSTABLE OFFICE BUILDING. (9:16 AM)

Item 18 postponed until April 1, 2003.

PURCHASING OFFICE ITEMS

- 19. APPROVE PURCHASE OF ONE (1) HAUL TRUCK, ONE (1) WATER TRUCK AND TWO (2) KNUCKLE BOOM TRUCKS FROM THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD), CONTRACT NO. IL030067OJ. (TNR) (9:55 AM)

Clerk's Note: Item 19 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 20. CONSIDER AND APPROVE ADDING TWO PICKUP SITES (MODIFICATION NO. 2) TO CONTRACT NO. 03T00074OJ WITH WASTE MANAGEMENT OF TEXAS FOR REFUSE COLLECTION. (COUNTYWIDE) (3:19 PM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent.

Motion by Judge Biscoe and seconded by Commissioner Gómez to approve Item 20.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	no
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 21. APPROVE TWELVE (12) MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 02T00230OJ TO GENERAL SECURITY SERVICES CORPORATION FOR ELECTRONIC MONITORING – PRETRIAL SERVICES. (PRETRIAL SERVICES) (9:55 AM)

Clerk's Note: Item 21 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 25. APPROVE CHANGE ORDER NO. 1 TO CONTRACT NO. 03K00035DM WITH WHEELER COATINGS ASPHALT, INC. FOR THE 2003 TYPE C HOT MIX ASPHALTIC CONCRETE OVERLAY PROGRAM. (TNR) (COMMISSIONER DAVIS) (9:55 AM)

Clerk's Note: Item 25 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 26. APPROVE CONTRACT AWARD TO LAND DESIGN STUDIO, RFQ NO. Q30024-JJ, PROFESSIONAL ENGINEERING SERVICES FOR THE EAST METRO PARK DESIGN PROJECT. (FM AND TNR) (COMMISSIONER DAVIS) (3:30 PM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; and Roger El Khoury, Director, Facilities Management.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to approve Item 26.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 27. APPROVE MODIFICATION NO. 4 TO CONTRACT NO. 99AE601JJ, MARTINEZ, WRIGHT AND MENDEZ, INC., PROFESSIONAL ENGINEERING SERVICES FOR THE FERGUSON LANE/TUSCANY WAY ROAD DESIGN PROJECT. (TNR) (COMMISSIONER DAVIS) (9:55 AM)

Clerk's Note: Item 27 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 28. APPROVE CHANGE ORDER NO. 1 TO CONTRACT NO. 03K00036ADM WITH WHEELER COATINGS ASPHALT, INC. FOR THE 2003 TYPE F HOT MIX ASPHALTIC CONCRETE OVERLAY PROGRAM. (TNR) (9:55 AM)

Clerk's Note: Item 28 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

29. APPROVE CONTRACT AWARD FOR MULTI-BAND AVIATION RADIOS, IFB B030037-RG, TO THE LOW BIDDER, AHR AVIATION. (JPS) (9:55 AM)

Clerk's Note: Item 29 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

30. APPROVE CONTRACT AWARD FOR PACKAGED TERMINAL AIR CONDITIONER UNITS, IFB NO. B03008-OJ, TO THE LOW BIDDER, FREIDRICH AIR CONDITIONING COMPANY. (HOUSING SERVICES) (9:55 AM)

Clerk's Note: Item 30 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

31. APPROVE MODIFICATION NO. 11 TO CONTRACT MA 980095, AGREEMENT FOR EXTENDED SERVICE, WITH TIBURON. (ITS) (9:55 AM)

Clerk's Note: Item 31 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

OTHER ITEMS

32. APPROVE AGREEMENT FOR EXTENDED SERVICE (MODIFICATION NO. 11) TO CONTRACT MA 980095, WITH TIBURON. (ITS) (9:17 AM)

Item 32 pulled from the Agenda.

33. REVIEW "2003 PRO RATA TOBACCO DISTRIBUTION COUNTY EXPENDITURE STATEMENT" AND TAKE APPROPRIATE ACTION. (9:55 AM)

Clerk's Note: Item 33 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

Clerk's Note: There is no Item 34 listed on the Commissioners' Court Agenda.

- 35. A.** APPROVE CONTRACT AND MEMORANDUM OF UNDERSTANDING BETWEEN THE COLLABORATIVE PARTNERS OF THE AUSTIN/TRAVIS COUNTY FAMILY VIOLENCE PROTECTION TEAM. (9:55 AM)
- B.** APPROVE AMENDMENT TO AGREEMENT BETWEEN TRAVIS COUNTY AND SAFEPLACE WITH REGARD TO AUSTIN/TRAVIS COUNTY FAMILY VIOLENCE PROTECTION TEAM.

Clerk's Note: Items 35.A and B added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 36.** APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:55 AM)

Clerk's Note: Item 36 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

- 37.** RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF FEBRUARY 2003. (9:55 AM)

Clerk's Note: Item 37 added to Consent Items. Please refer to CONSENT ITEMS for the Court's Motion and Vote.

EXECUTIVE SESSION ITEMS

Note 1 Gov't Code Ann 551.071, Consultation with Attorney
Note 2 Gov't Code Ann 551.072, Real Property
Note 3 Gov't Code Ann 551.074, Personnel Matters
Note 4 Gov't Code Ann 551.076, Security

- 38.** RECEIVE LEGAL ADVICE ON REQUEST FROM MR. KENNETH SNEED TO WAIVE PENALTY AND INTEREST ON TAXES DUE, AND TAKE APPROPRIATE ACTION. ¹ (3:33 PM) (5:18 PM)

Clerk's Note: Judge Biscoe announced that Item 38 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No further action required on Item 38.

- 39. RECEIVE LEGAL ADVICE ON ELIGIBILITY STANDARDS FOR PROGRAMS AND SERVICES IN HEALTH AND HUMAN SERVICES AND VETERANS SERVICES DEPARTMENT, AND TAKE APPROPRIATE ACTION. ¹ (3:33 PM) (5:19 PM)

Clerk’s Note: Judge Biscoe announced that Item 39 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

No action required on Item 39.

- 40. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, OR COUNTER OFFER FOR SETTLEMENT AND TAKE APPROPRIATE ACTION IN THE MATTER OF MERLIN “SPANKY” HANDLEY V. TRAVIS COUNTY, TEXAS, CITY OF AUSTIN, TEXAS, DINAH DINWIDDIE, INDIVIDUALLY, AND IN HER OFFICIAL CAPACITY, CASEY PING, INDIVIDUALLY, AND HIS OFFICIAL CAPACITY, GORDON BERGH, KEVIN MCDONALD AND HERRINGTON, CAUSE NO. A-02-CA-606 JN, IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION. ¹ (3:33 PM) (5:19 PM)

Clerk’s Note: Judge Biscoe announced that Item 40 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe and seconded by Commissioner Davis to authorize the County Attorney to extend to the other side a counter-offer, in the amount of one year’s base pay, and that we reject the offer to settle extended by him and his attorneys.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	abstain

Item 40 to be reposted on April 1, 2003.

41. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, OR COUNTER OFFER FOR SETTLEMENT AND TAKE APPROPRIATE ACTION IN THE MATTER OF ROBERT P. MADDOX JR. V. TRAVIS COUNTY, TEXAS, CAUSE NO. GN-002616, IN THE 261ST JUDICIAL DISTRICT COURT TRAVIS COUNTY, TEXAS.
1 (3:33 PM) (5:20 PM)

Clerk’s Note: Judge Biscoe announced that Item 41 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe and seconded by Commissioner Davis that we authorize the County Attorney to extend an offer to settle, in the amount of \$35,000.00; that we further extend a note of appreciation to Dan Mansour, Risk Manager, for representing the County in this mediation, and Todd Clark, Assistant County Attorney, also.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

42. RECEIVE BRIEFING AND TAKE APPROPRIATE ACTION REGARDING PLAINTIFF’S REQUEST FOR MEDIATION IN FREDRICK PLUETT, (DECEASED) V. MARGO FRASIER, ET. AL, (PLUETT; FRASIER; CIVIL RIGHTS) (REQUESTED BY PLAINTIFF). 1 (3:33 PM) (5:20 PM)

Clerk’s Note: Judge Biscoe announced that Item 42 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Item 42 to be reposted April 1, 2003.

- 43. DISCUSS, APPROVE AND TAKE APPROPRIATE ACTION REGARDING REAL ESTATE ISSUES FOR OFFICE SPACE FOR VARIOUS COUNTY DEPARTMENTS. ² (3:33 PM) (5:20 PM)

Clerk’s Note: Judge Biscoe announced that Item 43 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.072, Real Property and 551.071, Consultation with Attorney.

Clerk’s Note: Judge Biscoe executed a purchase contract consistent with previous actions by the Commissioners’ Court. This Item will be put back on the Court’s Agenda as needed, at some point in the future, up to 45 days from today.

No formal action taken on Item 43.

- 44. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, OR COUNTER OFFER FOR SETTLEMENT AND/OR TAKE APPROPRIATE ACTION CONCERNING THE MATTER OF FORTVIEW, INC. V. TRAVIS COUNTY, TEXAS, IN THE DISTRICT COURT OF TRAVIS COUNTY, TEXAS, 353RD JUDICIAL COURT, CAUSE NO. GN300127. ¹ (3:33 PM) (5:21 PM)

Clerk’s Note: Judge Biscoe announced that Item 44 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Item 44 to be reposted on April 1, 2003.

- 45. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND GIVE DIRECTION REGARDING TRAVIS COUNTY SUBROGATION CLAIM IN THE MATTER OF DEKE PIERCE AND TAKE APPROPRIATE ACTION. ¹ (3:33 PM) (5:21 PM)

Clerk’s Note: Judge Biscoe announced that Item 45 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we accept the offer that Mr. Ragland would take 40% of attorney’s fees and his expenses, and that we would share with Mr. Pierce the balance.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	no
Precinct 4, Commissioner Margaret J. Gómez	yes

46. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT, OR COUNTER OFFER FOR SETTLEMENT AND/OR TAKE APPROPRIATE ACTION CONCERNING THE MATTER OF FORTVIEW, INC. V. TRAVIS COUNTY, TEXAS, IN THE DISTRICT COURT OF TRAVIS COUNTY, TEXAS, 353RD JUDICIAL COURT, CAUSE NO. GN300127. ¹ (3:33 PM)

Item 46 pulled from the Agenda.

THE FOLLOWING ITEMS ARE ADDED ITEMS:

TAKE UP AT 11:00 A.M.

A1. A. DISCUSS LEGISLATIVE ISSUES, INCLUDING PROPOSED BILLS, AND TAKE APPROPRIATE ACTION. (11:14 AM) (1:56 PM)

B. OTHER BILLS THAT MAY BE CONSIDERED IN RESPONSE TO ACTION TAKEN BY THE LEGISLATURE, AND TAKE APPROPRIATE ACTION.

Clerk's Note: Items A1.A and B are associated with one another and were called for concurrent discussion.

**HB2303 & SB1166 (Sponsors – Representative Keel & Senator Barrientos)
Relating to conditions of employment for a peace officer or a detention officer
employed by certain sheriffs' departments.**

Discussion Only. No action taken.

ITEM A1 CONTINUED

HB1849 (Sponsor – Representative Allen) Relating to the revocation process for certain persons released from the Department of Criminal Justice on parole or mandatory supervision.

Members of the Court heard from: Bob Kamm, Legislative Consultant; and Kati Broderick, Manager, Research and Planning, Justice and Public Safety (JPS).

Motion by Judge Biscoe and seconded by Commissioner Gómez to support House Bill 1849.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

HB2188 (Sponsor – Representative Rodriguez) Relating to alternate methods of responding to a jury summons.

Discussion Only. No action taken.

HB2401 (Sponsor – Representative Stick) Relating to the criminal law magistrates in Travis County.

Discussion Only. No action taken.

HB2402 (Sponsor – Representative Stick) Relating to the compensation of district judges in Travis County.

Discussion Only. No action taken.

HB2827 (Sponsor – Representative Eissler) Relating to providing a uniform limit on the population of a county election precinct.

Discussion Only. No action taken.

ITEM A1 CONTINUED

HB3088 (Sponsor – Representative Dukes) Relating to excepting a benefits appeals committee for a public self-funded health plan from deliberating the medical or psychiatric records of an individual applicant for a benefit.

Discussion Only. No action taken.

HB3089 (Sponsor – Representative Dukes) Relating to competitive purchasing procedures for certain counties.

Members of the Court heard from: Bob Kamm, Legislative Consultant; and Cyd Grimes, Travis County Purchasing Agent.

Discussion Only. No action taken.

Clerk's Note: The Commissioners' Court received a status report on the following Priority One and Priority Two Legislative Issues from Travis County's Legislative Consultants, Bob Kamm and Chris Shields.

SB549 (Sponsor – Senator Barrientos) Relating to the creation of a judicial district composed of Travis County.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

SB697 (Sponsor – Senator Barrientos) Relating to the revocation process for certain releasees who violate conditions of release on parole or mandatory supervision.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

SB918 (Sponsor – Senator Whitmire) Relating to the issuance of a summons for an appearance related to certain violations of parole.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

ITEM A1 CONTINUED

SB984 (Sponsor – Senator Wentworth) Relating to excepting a benefits appeals committee for a public self-funded health plan from deliberating the medical or psychiatric records of an individual applicant for a benefit.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

SB1099 (Sponsor – Senator Barrientos) Relating to regulating subdivision plats in a county and in the extraterritorial jurisdiction of certain municipalities.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

SB1161 (Sponsor – Senator Barrientos) Relating to authorizing counties and municipalities to provide services through the Internet.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

SB1229 (Sponsor – Senator Wentworth) Relating to competitive purchasing procedures for certain counties.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

SB1536 (Sponsor – Senator Wentworth) Relating to use of certain 9-1-1 fees and surcharges in certain counties.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

ITEM A1 CONTINUED

SB1709 (Sponsor – Senator Wentworth) Relating to alternate methods of responding to a jury summons.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

SB1794 (Sponsor – Senator Barrientos) Relating to the criminal law magistrates in Travis County.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

HB2402 (Sponsor –Representative Stick) Relating to the compensation of district judges in Travis County.

Motion by Judge Biscoe **and seconded by** Commissioner Davis to notify Representative Stick’s office that we historically have viewed County Judges as County Employees and would like to retain that authority.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

HB156 (Sponsor – Representative Krusee) Relating to the grant of the power of eminent domain to a regional mobility authority.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

ITEM A1 CONTINUED

HB157 (Sponsor – Representative Krusee) Relating to the powers and duties of a regional mobility authority.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

HB389 (Sponsor – Representative Pitts) Relating to permit application and hearing procedures under the Texas Mass Gatherings Act; providing a penalty.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

HB483 (Sponsor – Representative Wilson) Relating to the requirements for the establishment of a state airport in Central Texas.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

HB1204 (Sponsor – Representative Baxter) Relating to the authority of municipalities and counties to regulate subdivisions in a municipality's extraterritorial jurisdiction.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

ITEM A1 CONTINUED

SB887 (Sponsor – Senator Carona) Relating to solid waste disposal fees.

Members of the Court heard from: Bob Kamm, Legislative Consultant.

Discussion Only. No action taken.

SB1100 (Sponsor – Senator Barrientos) Relating to the regulation of nuisance odors emanating from municipal solid waste landfill facilities.

Members of the Court heard from: Bob Kamm, Legislative Consultant; Scheleen Walker, TNR; John Kuhl, Natural Resources Program Manager, TNR; and Tom Nuckols, Assistant County Attorney.

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to move Senate Bill 1100 to the Tier 1 priority bills list.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

ITEM A1 CONTINUED

Clerk’s Note: The Commissioners’ Court received a legislative update from Barbara Bembry, Justice of the Peace, Precinct 2, on the following bills:

HB375 (Sponsor – Representative Dutton) Relating to limiting the award of attorney’s fees by a justice court.

HB396 (Sponsor – Representative Mowery) Relating to appeals to small claims courts of certain ad valorem tax determinations.

HB1509 (Sponsor – Representative Flores) Relating to the jurisdiction of and filing fees in certain courts.

HB1725 (Sponsor – Representative Stick) Relating to the suspension of a driver’s license for a failure to pass a test for intoxication or for a refusal to consent to the taking of a blood or breath specimen to test for alcohol or other intoxicants.

Members of the Court heard from: Barbara Bembry, Justice of the Peace, Pct 2.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to oppose House Bill 375, House Bill 396, House Bill 1509, and House Bill 1725.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

HB1365 (Sponsor – Representative Bonnen) Relating to the Texas Emission Reduction Plan.

Members of the Court heard from: Scheleen Walker, TNR.

Motion by Commissioner Gómez **and seconded by** Judge Biscoe to approve supporting House Bill 1365.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Gerald Daugherty	no
Precinct 4, Commissioner Margaret J. Gómez	yes

